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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BRUCE LAMONT WALKER, JR,  
  
Defendant.

CASE NO. 2:22-CR-00017-JAM

STIPULATION AND ORDER EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT  
AND TO SET SCHEDULE FOR THE  
FORTHCOMING DEFENSE MOTION TO  
SUPPRESS

DATE: February 7, 2023  
TIME: 9:00 a.m.  
COURT: Hon. John A. Mendez

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference and potential change of plea on February 7, 2023. ECF No. 28.

2. On February 3, 2023, the defendant rejected the government's pending plea offer and informed his counsel he would like to file a motion to suppress based on the constitutionality of 18 U.S.C. § 922(g)(1).

3. By this stipulation, the parties now move to vacate the hearing currently set for February 7, 2023, to set a motion hearing on the defendant's forthcoming motion to suppress for April 11, 2023, at 9:00 a.m., and to exclude time between these dates under Local Codes T and E.

4. Additionally, the parties request the following briefing schedule:

- a) The defense will file its motion to suppress by March 7, 2023
- b) The government will file its opposition to by March 28, 2023; and
- c) The defense will file any reply by April 4, 2023.

5. The parties also agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes police reports, body camera videos, criminal history documents, photographs, and other evidence. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to conduct investigation and research related to the current charge, to prepare pretrial motions, and to otherwise prepare for trial.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 7, 2023 to April 11, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

g) Additionally, the parties agree that an exclusion of time under the Speedy Trial Act is also appropriate from March 7, 2023 to April 11, 2023, pursuant to 18 U.S.C. § 3161(h)(1)(D) [Local Code E] because it results from a delay for a pretrial motion.

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 3, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: February 3, 2023

/s/ DOUGLAS BEEVERS  
DOUGLAS BEEVERS  
Counsel for Defendant  
BRUCE LAMONT WALKER, JR

**ORDER**

IT IS SO FOUND AND ORDERED this 6<sup>th</sup> day of February, 2023.

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE